

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4288 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

ABDUL LATIF JAMALUDDIN

Versus

SARANGPUR COTTON MILLS NO.2

Appearance:

MR TR MISHRA for Petitioner

None present for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 11/09/96

ORAL JUDGMENT

Heard learned counsel for the parties.

2. The petitioner, a workman of the respondent, filed this petition challenging thereunder the Award of the Labour Court (5th), Ahmedabad, dated 18.4.84, made in Application No.`T' 73 of 1980, in so far as the Labour Court did not grant full back wages to him for period from 28th November 1979 till the actual reinstatement.

3. The services of the petitioner-workman was terminated with effect from 28th November 1979 and therefore he raised the industrial dispute. The dismissal of the petitioner was held to be illegal and he was ordered to be reinstated back in service, but in lieu of the backwages, the Labour Court has awarded Rs.5,000/only. The Labour Court has given out cogent and justified reasons not to award the full backwages to the petitioner and I do not find any perversity in the award to the aforesaid extent given by the Labour Court. It is a case where the respondent-employer was willing to absorb the petitioner in services, but the petitioner himself made a fault by not sending the letter at a proper address. Sitting under Article 227 of the Constitution of India, this Court will not correct all species of errors or wrong decisions unless this Court finds the order to be perverse or without jurisdiction.

4. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged. No order as to costs.

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(sunil)